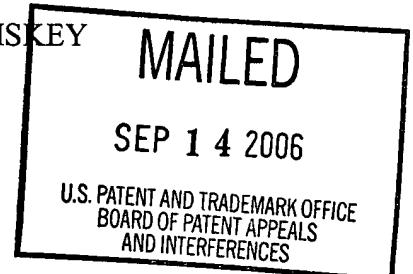


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte STEPHEN W. COMISKEY and BARRETT O. COMISKEY

Application No. 10/020,136



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on August 25, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

EXAMINER'S ANSWER

Evidence of Record

On February 6, 2006, an Examiner's Answer was mailed in response to the Appeal Brief received November 21, 2005. A review of the Examiner's Answer reveals that it is not in compliance with the Manual of Patent Examining Procedure (MPEP). In the "Evidence Relied Upon" (section 8), the examiner indicates no evidence of record was relied upon. In accordance

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with MPEP §1207.02, the “Evidence Relied Upon” (section 8) should include:

(8) Evidence Relied Upon

A listing of evidence relied on (e.g., patents, publications, admitted prior art), and in the case of non-patent references, the relevant page or pages.

Correction of the record is required.

Accordingly, it is

ORDERED that the application is returned to the examiner for:

- 1) issue a revised Examiner’s Answer to include all required headings and content as set forth under 37 CFR § 41.37; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES



DALE M. SHAW
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DMS/dpv

Application No. 10/020,136

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